

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICK ROCK,

Plaintiff,

- against -

ENFANTS RICHES DEPRIMES, LLC,
BARNEYS NEW YORK, INC. and
THE REALREAL, INC.

Defendants.

1:17-cv-02618 (ALC-DCF)

ECF Case

**DECLARATION OF MICK
ROCK IN OPPOSITION TO
DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

MIC ROCK, under the penalty of perjury, declares:

1. I am the plaintiff in this action.
2. I am over the age of 18 years old and competent to submit this declaration in in opposition to Defendants' motion for summary judgment to dismiss this action.
3. I am a professional photographer who has been in the business of licensing my work for over 50 years.
4. I am the true creator, author and owner of the photograph of musician Lou Reed which is the subject of this litigation (the "Reed Photograph")
5. The Reed Photograph is registered with the Copyright Office (the "USCO") under registration number VA 1-766-990 with effective date of February 22, 2011 (the "990 Registration").
6. As of the time the Reed Photograph was submitted to the USCO as part of an application for the 990 Registration, I did not play any role in nor have any of knowledge of the

application or registration process. My book publisher, which is a non-party, registered the Reed Photograph on my behalf as part of the 990 Registration.

7. At no time before (or after) this lawsuit was initiated did the non-party book publisher who handled the registration process for the 990 Registration notify me that the Reed Photograph was not included as part of the 990 Registration.

8. At no time relevant to this litigation did I know that the 990 Registration contained inaccuracies that would effectively preclude registration of the Reed Photograph as part of the 990 Registration.

9. Because my book publisher handled the registration process concerning the Reed Photograph, at no time did I have any documents in my possession which showed any communications that took place between the non-party book publisher and the USCO. I only learned of such communications after the discovery deadline in this action when Defendants submitted such communications to the Court as part of their request for a pre-motion conference to file summary judgment against me.

Dated: Staten Island, New York

Executed this 7th Day of September 2018.

/mickrock/
MICK ROCK